

# UTILITY PATENT APPLICATION TRANSMITTAL

## (Larg Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
INSC-109.4

Total Pages in this Submission

### TO THE ASSISTANT COMMISSIONER FOR PATENTS

B x Patent Application

Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**MEDICAMENT VIAL HAVING A HEAT-SEALABLE CAP, AND APPARATUS AND METHOD FOR FILLING THE VIAL**

and invented by:

Daniel Py

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 10/694,364

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/393,966

Which is a:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/781,846

Enclosed are:

### Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 71 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

7497 U.S. PAT. 10/766172

012804

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets \_\_\_\_\_
- b. ☒ Informal Number of Sheets 56
4. ☐ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☐ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EV396915195US

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**Accompanying Application Parts (Continued)**

17. ☐ Additional Enclosures *(please identify below)*:

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**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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(Large Entity)

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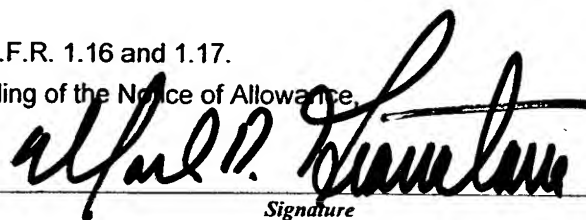
Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	45	- 20 =	15	x \$18.00	\$ 270
Indep. Claims	3	- 3 =	0	x \$86.00	\$ 0
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$
BASIC FEE					\$770.00
OTHER FEE (specify purpose)					\$ 0
TOTAL FILING FEE					\$ 1040

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-1402 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$1040 as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance pursuant to 37 C.F.R. 1.311(b).

  
Signature

Mark D. Giarratana (Reg. No. 32,615)  
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Dated: January 28, 2004

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

22764 U.S. PTO  
012804

In the Application of: Daniel Py )  
 )  
 )  
 ) Art Unit: To Be Assigned  
 )  
 on: MEDICAMENT VIAL HAVING A ) Examiner: To Be Assigned  
 HEAT-SEALABLE CAP, AND )  
 APPARATUS AND METHOD )  
 FOR FILLING THE VIAL )  
 )  
 Serial No.: To Be Assigned )  
 )  
 Filed On: Herewith ) (Our Docket No. 488180.109.4)

Dated at Hartford, Connecticut, this 28th day of January, 2004

MAIL STOP: PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

"Express Mail" mailing label number: EV396915195US

Date of Deposit: January 28, 2004

I hereby certify that the attached patent application consisting of 71 pages of Specification, 7 pages of Claims (3 independent, 42 dependent); 1 page of Abstract; 56 pages of informal drawings; Utility Patent Application Transmittal (large entity); and a return postcard; are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, MAIL STOP: PATENT APPLICATION, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

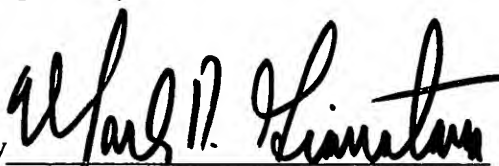
Mark D. Giarratana

(Typed or printed name of person mailing paper or fee)

Mark D. Giarratana

(Signature of person mailing paper or fee)

Respectfully submitted,

By 

Mark D. Giarratana

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Dated: January 28, 2004

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